

EXHIBIT 1



HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT TO D. DEL LR 26.2

**IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 1:22-cv-01377-MN

**DEFENDANTS MASIMO CORPORATION AND SOUND UNITED, LLC’S
RESPONSES AND OBJECTIONS TO APPLE’S INTERROGATORY NO. 1**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants Masimo Corporation and Sound United, LLC (collectively, “Defendants” or “Masimo”) hereby respond to Plaintiff Apple Inc.’s (“Apple”) Interrogatory No. 1.

GENERAL STATEMENT AND OBJECTIONS

Defendants assert each of the following General Objections to each of Apple’s instructions, definitions, and interrogatories. In addition to these General Objections, Defendants state specific objections to individual interrogatories, including objections that are not generally applicable to all interrogatories. By setting forth specific objections, Defendants are not limiting or restricting these General Objections.

1. Defendants object generally to Apple’s definitions and instructions to the extent that they fail to comply with, or impose obligations in excess of, Rule 33 of the Federal Rules of Civil Procedure and the applicable Local Rules of this Court. Defendants will respond to the interrogatories in compliance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

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2. Defendants object to Interrogatory No. 1 to the extent it seeks information that is neither relevant to any claim or defense in this case nor proportional to the needs of the case. By responding to this interrogatory, Defendants do not concede that the information sought by this is relevant or proportional.

3. Defendants’ responses are made without, in any way, waiving or intending to waive, but, on the contrary, intending to preserve and preserving:

- a. The right to raise all objections as to relevance and admissibility with regard to any information or documents identified, provided, or produced in response to Interrogatory No. 1, which may arise in any subsequent proceeding in, or the trial of, this or any other action;
- b. The right to object to the use of the information or documents for any purpose, including without limitation their use in any subsequent proceeding in, or the trial of, this or any other action; and
- c. The right to object on any ground at any time to interrogatories or other discovery relating to information and/or information or the subject matter thereof.

4. Without waiving the specific objections set forth below, and subject to the limitations and General Objections set forth above, Defendants provide the following responses:

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify all of Masimo’s (including Sound United’s) actual and planned channels for distribution or sale of the W1 in the United States.

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RESPONSE TO INTERROGATORY NO. 1:

Defendants object to this interrogatory because it seeks information that is irrelevant. Subject to the foregoing general and specific objections, Defendants respond as follows:

Masimo currently sells the W1 directly to consumers and, outside the United States only, to professional medical caregiver customers such as hospitals. In the future, Masimo may sell the W1 to consumers through distribution channels it was using before acquiring Sound United (e.g., Amazon). [REDACTED]

[REDACTED] For example, the W1 is not sold at brick-and-mortar stores such as Best Buy. [REDACTED]

[REDACTED] Pending regulatory clearances, Masimo plans to also sell the W1 directly to professional medical caregiver customers in the United States. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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January 11, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2023, a true and correct copy of the foregoing document was served on the following counsel of record at the addresses and in the manner indicated:

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